

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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| FRANCIS J. GIORDANO | : | CIVIL ACTION |
| | : | |
| v. | : | No. 20-277 |
| | : | |
| UNIFIED JUDICIAL SYSTEM OF | : | |
| PENNSYLVANIA, et al. | : | |

ORDER

AND NOW, this 30th day of March, 2021, upon consideration of Defendants the Unified Judicial System of Pennsylvania (UJS), the Superior Court of Pennsylvania, Christopher Nace, and H. Geoffrey Moulton, Jr.'s Motion to Dismiss, Plaintiff Francis J. Giordano's opposition, and the parties' presentations at the February 22, 2021, telephonic oral argument on the Motion, and for the reasons stated in the accompanying Memorandum, it is ORDERED the Motion (Document 16) is GRANTED in part and DENIED in part as follows:

- Giordano's Family and Medical Leave Act (FMLA) claims against the UJS and the Superior Court in Count 4 are DISMISSED without prejudice pursuant to Federal Rule of Civil Procedure 12(b)(1);
- Giordano's Pennsylvania Human Relations Act (PHRA) claims in Counts 9, 10, and 11 are DISMISSED with prejudice pursuant to Federal Rule of Civil Procedure 12(b)(1); and
- The balance of the Motion is DENIED.

Giordano shall have until April 13, 2021, to file an amended complaint addressing the deficiencies identified in the accompanying Memorandum as to the claims dismissed without prejudice. Failure to file an amended complaint within the time permitted may result in dismissal of the remaining claims with prejudice.

BY THE COURT:

/s/ Juan R. Sánchez
Juan R. Sánchez, C.J.